UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
525 NE Oregon Street
PORTLAND, OREGON 97232-2737

JUL 15 2003

MEMORANDUM FOR: D. Robert Lohn
Regional Administrator

FROM: Robert G. Walton, Assistant Regional Administrator
Salmon Recovery Division

SUBJECT: A Joint State/Tribal Resource Management Plan Provided by the Makah Tribe and the Washington Department of Fish and Wildlife For Artificial Propagation, Research, Monitoring, and Evaluation of Ozette Lake Sockeye Salmon Under Limit 6 of the Endangered Species Act 4(d) Rule (50 CFR 223.203(6)) (65 FR 42422, July 10, 2000) - DECISION MEMORANDUM

NATIONAL MARINE FISHERIES SERVICE TRACKING NUMBER: NWR/4d/06/2001/003

ISSUE

The Makah Tribe and, as co-managers of the fisheries resource with the Tribe, Washington Department of Fish and Wildlife (WDFW) (hereafter referred to as "the co-managers"), provided a joint Resource Management Plan (RMP) for artificial propagation and associated research and monitoring and evaluation actions that will affect listed Ozette Lake sockeye salmon. The RMP was submitted by the Makah Tribe and WDFW pursuant to their authorities and responsibilities as co-managers under *United States* v. *Washington*. A document prepared by the Makah Tribe titled "Lake Ozette Sockeye Hatchery and Genetics Management Plan (HGMP)" is considered the RMP. The joint RMP was prepared and submitted to NOAA's National Marine Fisheries Service (NMFS) by the co-managers on October 23, 2000, as a proposed framework through which the tribal and the state jurisdiction will jointly manage sockeye salmon artificial propagation, research, monitoring, and evaluation activities while meeting requirements specified under the Endangered Species Act (ESA).

RECOMMENDATION

The NMFS Salmon Recovery Division (SRD) has evaluated the RMP and finds that it addresses all of the requirements specified in Limit 6 of the ESA 4(d) Rule (50 CFR 223.203(b)(6); 65 FR 42422, July 10, 2000), including the criteria for HGMPs in Limit 5 of that Rule. The SRD recommends that the RMP be approved and that the Northwest Region determine that the RMP addresses the criteria of the 4(d) Rule, limiting the application of section 9 take prohibitions for activities carried out pursuant to the plan.

BACKGROUND

The Ozette Lake sockeye salmon Evolutionarily Significant Unit (ESU) was listed as threatened by NMFS on March 25,1999 (64 FR 14528). NMFS later issued a final ESA 4(d) Rule adopting regulations necessary and advisable to conserve Ozette Lake sockeye salmon (50 CFR 223.203; 65 FR 42422, July 10, 2000). The co-managers submitted a RMP for evaluation by NMFS for compliance with Limit 6 ESA 4(d) Rule criteria. The RMP describes proposed sockeye salmon artificial propagation, research, monitoring, and evaluation activities in the Ozette Lake Basin (Makah 2000). The sockeye salmon propagated through the plan are included as part of the Ozette Lake sockeye salmon ESU, but juvenile and first generation adult fish produced by the program are not listed (64 FR 14528, March 25, 1999).

The plan guides co-manager activities proposed to increase the number of naturally spawning sockeye salmon in Ozette Lake tributaries, and to collect scientific information regarding factors limiting the productivity of listed Ozette Lake sockeye salmon, including the potential effects of hatchery sockeye salmon production. The RMP's action area encompasses the entire Ozette Lake sockeye salmon ESU. The ESU includes all naturally spawned populations of sockeye salmon in Ozette Lake and its tributaries. All tribal and state artificial propagation, and associated research, monitoring, and evaluation actions currently proposed by the co-managers within the action area are included in the RMP, and in NMFS' evaluation of the RMP for approval.

Proposed artificial propagation actions described in the RMP are the annual collection and spawning of 200 sockeye salmon adults from Umbrella Creek, an Ozette Lake tributary. Adult fish used as broodstock originate from juvenile hatchery fish releases of indigenous Ozette Lake sockeye salmon stock. Progeny of these tributary-origin fish will be artificially propagated for several months and released into Umbrella Creek and Big River (an adjacent tributary) to establish and enhance adult returns to the tributaries in subsequent years. Approximately 216,000 unlisted juvenile sockeye salmon will be released at the fry or fingerling life stages (35 to 55 cm in fork length) into the two Ozette lake tributaries each year.

The expected duration of the artificial propagation portion of the RMP is 12 years, or three sockeye salmon generations, per release site. The RMP will conclude in 2012, if re-establishment of each of the four year sockeye salmon classes required to provide viable, naturally-spawning, fully-seeded aggregations in the target Ozette Lake tributaries has occurred. If the program is successful in establishing self-sustaining sockeye runs that meet determined escapement goals for release areas after 12 years of operation, it will be terminated. If the program, or a specific element of the program is determined to not be effective, it will be terminated. If, after 12 years, the program is meeting performance standards, and is expected to, but has not yet fully accomplished program goals, continuation of specific components of the program will be proposed and reevaluated. Similarly, if aspects of the program are not meeting goals or standards, but alternative adaptive management measures are available that are likely to achieve goals and standards providing a net benefit to the ESU, program elements may be

changed and continued upon evaluation and reassessment before or after the 12-year evaluation. The co-managers' overall goals and objectives for the program will also be reevaluated over the duration of the hatchery programs to incorporate new findings. Development of escapement goals and population abundance thresholds for the tributary spawning sockeye salmon aggregations in the process of being established through the RMP has not been proposed by the co-managers and NMFS' Puget Sound/Olympic Peninsula Technical Recovery Team (TRT). Tributary spawner escapement goals and population abundance thresholds, therefore, are not available, and so attainment of such goals and thresholds does not bear upon the ESA determination regarding the proposed plan. The ability to meet any minimum tributary escapement and spawner distribution goals that may be identified in the future for release streams for each brood year will be considered in defining success or failure of the tributary sockeye salmon establishment program and its subsequent continuance or termination.

Research programs described in the RMP include collection of up to 10 adult sockeye salmon from Ozette Lake spawning beaches or, alternatively, from Umbrella Creek each year for spawning. Eggs spawned from these fish will be used for egg and fry survival studies on Ozette Lake spawning beaches to determine the extent to which beach conditions limit productivity. Fish counting weirs will be operated in the upper Ozette River and in Umbrella Creek to accurately enumerate total annual sockeye salmon adult returns to the lake, and hatchery and natural-origin returns to the tributary. Further life history and limiting factors research includes capture, handling, tagging and release of 200 sockeye salmon adults from the run at large in the Ozette River for lake migration, spawning behavior, and pre-spawning survival surveys in Ozette Lake. In addition, natural-origin sockeye salmon juveniles will be captured, enumerated, sampled, and released in a sockeye fry predation assessment study in Ozette Lake directed at piscine predators. Tributary-origin fry are proposed to be captured, enumerated, sampled, and released in a fyke net study to identify naturally spawning sockeye salmon productivity in Umbrella Creek. An inclined plane trap will be operated during the spring and early summer months in the upper Ozette River to identify total annual sockeye salmon smolt out-migrant production levels and timing.

Monitoring and evaluation will be implemented to assess the performance of the RMP in increasing adult sockeye salmon returns to tributary spawning area, and the genetic, ecological, and demographic effects of the proposed actions on listed natural-origin sockeye salmon. Information gained through monitoring and evaluation will be used to assess whether the performance and effects of the RMP are as expected. RMP monitoring and evaluation actions will include habitat and spawning ground surveys conducted for population census purposes, and the collection of genetic, meristic, and morphological data from sockeye salmon spawners for stock assessment and impact monitoring purposes.

The RMP includes provisions for the assembly of annual reports by the co-managers. The annual reports will document program results for review by the co-managers and NMFS to evaluate the continued effectiveness of the RMP, and to determine if the RMP needs to be adjusted to meet performance standards established for the plan.

DISCUSSION

Controversial Issues

There is no known litigation or potential litigation associated with this RMP.

One RMP objective is the use of artificial propagation to establish self-sustaining sockeye salmon aggregations in Ozette Lake tributaries. This portion of the RMP is proposed in response to the absence of spawning sockeye salmon from Ozette Lake tributaries in recent decades, and the general decline in abundance of sockeye salmon produced in the Ozette Lake Basin. Available information on historic spawner abundance, timing, and distribution in Ozette Lake tributaries is unclear, anecdotal, and often contradictory. The co-managers and some independent scientists believe that Ozette Lake sockeye salmon historically spawned in tributaries to Ozette Lake, but fish carrying that life history strategy became extirpated due to habitat loss and degradation. However, some other scientists who have examined available spawning data question whether sockeye salmon historically occurred in Ozette Lake tributaries.

The question of whether or not self-sustaining sockeye salmon populations existed in the tributaries is unresolved, and is likely unanswerable due to the lack of conclusive evidence regarding historical sockeye spawning distribution. In its ESA-listing determination for the ESU, NMFS determined that the tributary sockeye salmon aggregation propagated under the RMP is not essential for recovery, but if conditions warrant, the stock is not precluded from playing a role in recovery (64 FR 14528, March 25, 1999). The listing decision did not preclude use of aggregations created through hatchery supplementation as essential parts of future, formal Ozette Lake sockeye salmon ESU recovery efforts.

NMFS also determined that it was not necessary to consider the progeny of sockeye salmon spawned through the RMP artificial propagation program as listed (64 FR 14528, March 25, 1999). At present, the sockeye salmon hatchery program proposed in the RMP has seeded Umbrella Creek, leading to substantial natural spawning abundances in that tributary. All natural-origin Ozette Lake sockeye salmon are listed under the ESA (64 FR 14528, March 25, 1999). Juvenile and adult sockeye salmon that are progeny of naturally spawning tributary hatchery program-origin fish are therefore listed, and protected under the Act.

Pending final population recovery determinations for the ESU, establishment of sockeye salmon returns in the tributaries may be considered a genetic reserve for the beach-spawning population that was the focus of the listing decision. Sockeye salmon returns established through the hatchery program in the tributaries originated from the listed beach-spawning population, and are only one generation removed (for use in artificial propagation) from that population. Because the tributary broodstock is of the same ancestry as the naturally-spawning portion of the ESU, establishment and maintenance of tributary aggregations buffers the risk that the Ozette Lake sockeye salmon ESU will be lost in the event of extinction, or catastrophic conditions causing a high risk of extinction, for the core, listed beach-spawning population. The RMP includes

measures that adequately limit the likelihood of adverse impacts on the listed beach-spawning sockeye salmon population as a result of the tributary hatchery program. These measures include use of only tributary-returning sockeye salmon adults as broodstock, release of juvenile sockeye salmon only into Umbrella Creek and Big River, release of juveniles imprinted to the tributary release sites, limitation of the annual release number of juvenile sockeye salmon, mass marking of hatchery-origin juveniles, and implementation of mark recovery programs to monitor and evaluate hatchery-origin adult fish straying. Comprehensive artificial propagation program monitoring and evaluation actions proposed in the RMP are sufficient to determine the performance of the hatchery program, and its effects on listed natural-origin sockeye salmon. For the above reasons, the SRD recommends NMFS concurrence with implementation of the RMP sockeye salmon artificial propagation program with the objective of establishing self-sustaining sockeye salmon aggregations in Ozette Lake tributaries.

Remaining actions described in the RMP that are directed at research, monitoring, and evaluation are not controversial. These proposed activities are expected to help identify the annual abundance status of the listed Ozette Lake sockeye salmon population with a higher degree of confidence. These activities are also expected to improve scientific understanding of Ozette Lake sockeye salmon life history, factors that have contributed to the decline of the core, listed lake-spawning sockeye salmon population, and factors presently limiting or threatening natural-origin sockeye salmon abundance. This information will benefit the development and implementation of appropriate listed sockeye salmon recovery actions by NMFS, as required under the ESA.

Public Review and Comment

NMFS published notice in the Federal Register of its proposed ESA 4(d) Rule evaluation and recommended determination of the RMP on August 1, 2002 (67 FR 49905). A draft Environmental Assessment (EA), assembled by NMFS to evaluate compliance of any NMFS ESA 4(d) Rule determination regarding the RMP with the National Environmental Policy Act (NEPA), was made available for public review at the same time. The public comment period closed on September 3, 2002. NMFS received a request from the public on September 3, 2002, for additional time for reviewing the draft ESA and NEPA documents. In response, the public review and comment period for the documents was reopened and extended through October 21, 2002, in a Federal Register Notice (FRN) published on October 4, 2002 (67 FR 62229).

The FRNs requested public comments concerning NMFS' proposed evaluation and recommended determination of the RMP and the draft EA. NMFS has reviewed comments received by the closing dates. During the initial and extended review periods, NMFS received comments on its proposed valuation and recommended determination of the RMP and on the draft EA from one private citizen, the National Park Service (NPS), and the Makah Tribe. Similar comments have been combined where appropriate. Several of the comments were addressed in NMFS' final 4(d) evaluation and recommended determination and EA documents (Attachments 1 and 3), and in the proposed RMP.

None of the comments raised issues which required substantive modification of the NMFS 4(d) and NEPA documents. The response to comments led to revisions to the documents in some instances to clarify, correct, and refine RMP action description and effects evaluation sections. Comments received and NMFS' responses to those comments are detailed in Attachments 4a (comments and responses on the proposed evaluation and pending determination) and 4b (comments and responses on the draft environmental assessment).

Evaluation of the RMP under the ESA 4(d) Rule

Attachment 1 is NMFS' evaluation of whether or not the RMP addresses all of the requirements specified under Limit 6 of the ESA 4(d) Rule for Ozette Lake sockeye salmon, including the criteria for HGMPs under Limit 5 of that Rule. The NMFS SRD recommended that the RMP provided by the Makah Tribe and WDFW addresses all of the requirements in Limit 6 of the ESA 4(d) Rule.

Evaluation of Federal Actions under ESA Section 7

Federal actions germane to this ESA evaluation and determination are funding provided by the Bureau of Indian Affairs to implement the RMP, and NMFS' determination of whether or not the plan addresses ESA 4(d) Rule criteria and qualifies for limits on section 9 take prohibitions. NMFS prepared a section 7 biological opinion to evaluate the effects of the actions on the listed Ozette Lake sockeye salmon ESU (Attachment 2).

Based on NMFS' analysis, including the evaluation of the artificial propagation and research, monitoring, and evaluation actions implemented through the RMP in NMFS ESA 4(d) Rule evaluation document (Attachment 1), NOAA Fisheries has determined that the proposed Federal actions are not likely to jeopardize the continued existence of Ozette Lake sockeye salmon. Adequate measures are proposed to minimize the effects of any take. Benefits to the preservation and recovery of the ESU resulting from implementation of the RMP outweigh potential negative impacts from the RMP artificial propagation and research, monitoring, and evaluation actions.

Evaluation of NMFS' Proposed Determination under NEPA

As NEPA requires, NMFS completed an EA to evaluate the effects on the human environment of its proposed evaluation and determination of whether or not the RMP complies with ESA 4(d) Rule Limit 6 criteria, and therefore qualifies for limitation of take prohibitions. The draft EA was announced with the draft ESA 4(d) Limit 6 evaluation document for public review and comment via the aforementioned Federal Register Notices (67 FR 49905, August 1, 2002; 67 FR 62229, October 4, 2002).

NMFS reviewed the effects of the proposed action on physical, biological, and socioeconomic resources in the EA (Attachment 3). NMFS found that the proposed action would not significantly affect the quality of the human environment and is consistent with the Finding of No Significant Impact of the June 2, 2000 EA on the ESA 4(d) Rule.

RMP Effects on the Likelihood of Ozette Lake Sockeye Salmon Survival and Recovery

To be consistent with Limit 6(I) of the 4(d) Rule, the Secretary of Commerce (Secretary) must determine pursuant to 50 CFR 223.209 [the Tribal 4(d) Rule] and the government-to-government processes therein that implementing and enforcing the joint RMP will not appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon ESU. Biological analyses supporting a determination that the Ozette Lake sockeye salmon RMP will not appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon ESU are presented in the SRD's evaluation document.

RMP artificial propagation effects

Implementation of the artificial propagation actions proposed in the RMP is likely to benefit the abundance, productivity, spatial structure, and diversity of Ozette Lake sockeye salmon. Measures based on the best available science that are applied in the artificial propagation portion of the RMP ensure that the program is implemented in a manner that is adequately protective of the listed sockeye salmon ESU.

The primary purpose of the proposed hatchery program is the creation of self-sustaining sockeye salmon populations in Ozette Lake tributaries where past sockeye salmon spawning and production may have occurred, and where kokanee populations are very small. If successful, the tributary stocking program will extend the range of Ozette Lake sockeye salmon within critical habitat for the listed ESU. This range extension may increase natural-origin sockeye salmon abundance, spatial structure, the diversity of sockeye salmon life history traits and behavior, and potentially the morphological and genetic characteristics of sockeye salmon included in the ESU. This may occur as naturally produced sockeye salmon in Basin tributaries (Umbrella Creek and Big River) adapt to tributary conditions.

Establishment of sockeye salmon returns in Umbrella Creek and Big River may create a demographic reserve for Ozette Lake sockeye salmon. Creation of self-sustaining returns to the tributaries where sockeye may have existed historically reduces the risk of population loss that could result from a catastrophic event or poor beach spawning habitat and productivity conditions, leading to the extinction or near extinction of the listed lake-spawning population.

The proposed hatchery program will rely on indigenous stock-origin sockeye salmon adults returning to Ozette Lake tributaries, and extant lake spawning aggregations will not be collected for use as hatchery broodstock. Annual collection of up to 200 sockeye salmon adults from Umbrella Creek and releases of their progeny into Umbrella Creek and Big River, is expected to result in the return of nearly 500 adult sockeye to Umbrella Creek and 800 adults to Big River each year. Additional natural-origin adult fish produced by hatchery program-origin fish that spawn naturally in the tributaries will return concurrently with the direct hatchery-origin adult sockeye. Initial adult sockeye salmon return data for Umbrella Creek indicate that the tributary hatchery program may be creating a self-sustaining spawning aggregation in the creek.

The program's 12 year, or three sockeye salmon generation per release site, duration is intended to address the concern that repeated enhancement of the same population segment will result in a decrease in effective population size of the target population. It also limits the length of time natural-origin sockeye salmon are exposed to potentially deleterious selective effects of hatchery conditions to a few generations, minimizing the likelihood for divergence between hatchery and natural-origin fish within the supplemented stock. Limitation of fish rearing in the hatchery to the fry life stage minimizes the degree of human intervention into the natural life cycle, also acting to decrease the risk of inadvertent hatchery selection effects.

Actions resulting in removal of listed sockeye salmon adults from the natural environment for artificial propagation are confined to the tributary broodstock collection program (listed NOR tributary-origin fish), and the study addressing beach-spawned egg and fry survival. The number of fish taken each year through the proposed action will be only a small proportion of the total annual adult return. The tributary broodstock program is focused on hatchery-origin sockeye salmon returns, and will not lead to the take of adult fish from the core, listed lake spawning population. Maximum broodstock removals from Umbrella Creek will be limited after the 2003 return year to 15% of the total annual adult return to the tributary, or 200 adults (100 pairs), whichever is lower. Monitoring programs will be implemented to ensure that injury and mortality rates for adult sockeye salmon collected as broodstock are minimized, and that egg to release survival rates for sockeye progeny brought into the hatchery are maximized. Proposed listed sockeye salmon removals from the spawning beaches will be very low relative to total annual returns to the lake (up to 10 fish from an average return of 1,424 fish), and unlikely to impair population survival and recovery. Progeny of adults collected from the beaches will be incubated on the beaches through the eyed stage, then removed to assess mortality rates and stage of development. The number of eggs used for research represent a small proportion of the total egg deposition on the beaches, and there will be minimal resultant loss in beach-spawning sockeye productivity.

For the above reasons, sockeye salmon artificial propagation actions proposed in the RMP are not likely to appreciably reduce the likelihood of survival and recovery of the Ozette Lake Sockeye Salmon ESU.

RMP research, monitoring and evaluation program effects

Adult sockeye salmon predation and behavioral research may lead to the unintentional annual loss of a total of 10 natural beach or tributary-origin, or direct (F1) hatchery-origin, adult sockeye salmon. Assuming the 1996-99 average total run size to Ozette Lake of 1,598 (Makah 2000), 0.6% of the listed and unlisted adult sockeye salmon return may be unintentionally killed through this research program. Approximately 320 natural or hatchery-origin fry and (assuming recent year emigrating population levels) 150 smolts may also be unintentionally killed each year through the other predation and stock assessment studies. Assuming a fry to adult survival rate of 0.6% (Makah 2000) and a smolt to adult survival rate of 10% (Roos 1991), approximately 17 adult sockeye salmon equivalents may be lost as a result of the research, or 1.06% of the total sockeye salmon population, assuming the recent year average listed and unlisted return. The

total, estimated listed and unlisted adult sockeye salmon mortality rate resulting from the research will be 1.66% of the average annual adult sockeye salmon population escaping to Ozette Lake. Adequate operational measures designed to minimize the potential for injury and mortality of listed sockeye through the research actions will be implemented through the RMP.

Research and monitoring and evaluation have not been identified as factors for decline of the Ozette Lake sockeye salmon ESU, and are generally considered an essential part of salmon and steelhead recovery efforts (NRC 1996). For these programs, the co-managers worked with NMFS and cooperating agencies to develop projects which will benefit the conservation and recovery of the species. The projects will provide information that will enhance the ability to make more effective and responsible decisions to aid listed sockeye salmon. The resulting data will enhance knowledge about Ozette Lake sockeye salmon life history, specific biological requirements, genetic make-up, migration timing, responses to anthropogenic impacts, and survival in various parts of the ESU's range. This information will also benefit scientific understanding of sockeye salmon productivity in Ozette Lake, and of factors limiting sockeye abundance and productivity. The results of the research are essential for making determinations regarding listed sockeye salmon recovery needs.

For the above reasons, monitoring and evaluation, and research-related takes are not expected to reduce the Ozette Lake sockeye salmon population, their reproductive capacity, or distribution to the point of appreciably reducing their ability to survive and recover in the wild.

In summary, NMFS's SRD concludes that RMP artificial propagation, research, monitoring, and evaluation activities: 1) are adequately protective of the listed sockeye salmon ESU; 2) are likely to benefit prospects for recovery of the ESU; and, 3) will not appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon ESU.

Implementation and Reporting Requirements

Criterion (i)(J) of 4(d) Rule Limit 5 requires, for HGMPs submitted under 4(d) Rule Limit 5 or Limit 6, that NMFS provide written concurrence with the plan and specify implementation and reporting requirements. NMFS' determination on the RMP depends upon the co-managers' intentions that all sampling, monitoring, assessment, evaluation, and reporting tasks or assignments included in the RMP to monitor artificial propagation program performance and effects on listed sockeye salmon shall be conducted as described in the RMP.

The Ozette Lake sockeye salmon RMP details how the artificial propagation program will operate, what steps will be taken to monitor the program's operations and effects, and how progress toward achieving its objectives will be evaluated. The RMP also describes additional monitoring and research that will be implemented to assess the continuing status of tributary and beach-spawning sockeye salmon as they may be affected by the program.

The RMP further specifies how information collected pursuant to the RMP will be disseminated to the co-managers, including NMFS. Timely coordination and communication with NMFS during pre-season activities associated with this RMP, including discussion of research, monitoring, and evaluation plans and expected results, and consideration of in-season results of broodstock collection, stock assessment and research-directed juvenile and adult fish trapping, and spawner escapement monitoring activities, will ensure that NMFS will be able to assess the continued performance of the RMP and its compliance with stated objectives. This coordination and communication will be facilitated through inseason conferencing between the co-managers and NMFS, and by annual reports that summarize artificial propagation and research program results each year. Information provided in the annual reports shall include: juvenile sockeye salmon release numbers; average individual fish size at release; pounds of fish released; fish release dates; hatchery fish tag/mark information; and fish release locations; adult broodstock return and removal information; juvenile and adult capture, handling, sampling, and release numbers for all research activities; and estimated juvenile and adult sockeye salmon injury and mortality levels incidentally resulting from all research actions. It is expected that adult return information will include the estimated number of natural and hatchery-origin sockeye salmon entering Ozette Lake, and the number of fish of each type spawning in beach and tributary areas.

NMFS, in close cooperation with the co-managers, will use information provided in the annual reports to assist in determining how the programs described in the RMP are achieving stated performance standards and indicators and whether any of the approved actions need to be adjusted to meet stated adaptive management objectives. To best facilitate this coordination and maximize the likelihood that the described program can continue with a minimum of delay, annual reports need to be submitted by April 30 of each year to:

Salmon Recovery Division
NOAA Fisheries – Northwest Region
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NMFS will review the annual reports, and confer with the co-managers each year regarding the performance of the RMP and any need for its modification based on results.

NMFS and the co-managers will also review information from the Puget Sound/Olympic Peninsula TRT in considering any need for modification of the RMP. The TRT has been tasked with various assignments related to developing a recovery plan for the ESA-listed Ozette Lake sockeye salmon ESU. These assignments include population delineation, recommendations on the roles of various populations in recovery, identification of early recovery actions, and recommended abundance levels required for recovery. Monitoring of the continued effectiveness and applicability of the RMP, during review of the RMP by the co-managers and NMFS, will include the context of such information from the TRT as it becomes available, and appropriate items may thereby be identified for incorporation into the RMP.

SUMMARY

The SRD concludes that the RMP for Ozette Lake sockeye salmon provided by the Makah Tribe and WDFW addresses all of the requirements for a RMP under Limit 6 of the ESA 4(d) Rule and will not appreciably reduce the likelihood of survival and recovery of the Ozette Lake sockeye salmon ESU. As described above, all of the necessary administrative and biological requirements have been met for approval of the RMP. The SRD recommends that artificial propagation, research, monitoring, and evaluation programs described in the RMP qualify for take limitations under Limit 6 of the ESA 4(d) Rule, provided that they are implemented in accordance with its own implementation and reporting measures. The SFD recommends that you concur with the implementation of the RMP.

1. I concur with the co-managers' implementation of the Ozette Lake sockeye salmon RMP provided that it is implemented in accordance with its own implementation and reporting measures, as summarized above.

for Joe Scordino _____ 7/17/03

D. Robert Lohn
Regional Administrator

Date

2. I do not concur with the co-managers' implementation of the Ozette Lake sockeye salmon RMP.

_____ _____

D. Robert Lohn
Regional Administrator

Date

Attachment 1: Evaluation and Recommended Determination Document
Attachment 2: Section 7 Biological Opinion
Attachment 3: NEPA Environmental Assessment
Attachment 4a: Public comments and NOAA Fisheries responses on Proposed Evaluation and Pending Determination
Attachment 4b: Public comments and NOAA Fisheries responses on the draft environmental assessment

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